

## **REMARKS**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on October 2, 2008. Claims 1-40 and 57-61 are rejected. In this Amendment, claims 1, 17, 33 and 57 have been amended. No claims are canceled or added. Therefore, claims 1-40 and 57-61 are presented for examination.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-32 and 57-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moulden, Jr., et al., (U.S. Publication No. 2006/0206870, hereinafter “Moulden”) in view of Eden (US Publication No. 2003/0009305, hereinafter “Eden”) and further in view of Johnson, (U.S. Patent No. 5,557,740, hereinafter “Johnson”).

Moulden teaches an integrated computer testing application that enables a user to perform multiple different quality control tests using a single interface. (Moulden, par. [0047]). In Moulden, the integrated computer testing application is a dedicated application that performs only testing functions. These testing functions are performed based on user input received from an integrated application interface of the integrated computer testing application. (Moulden, see, e.g., pars. [0099]-[0100]). The integrated testing application of Moulden is not a web browser, nor can it receive commands from a web browser. In contrast, claim 1 has been amended to recite, “selecting a checksuite for editing based on commands received from a web browser,” and “editing the checksuite based on commands received from the web browser.”

As stated in the current Office Action, Moulden also fails to teach or suggest a checksuite that includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system. (Office Action, 10/2/08, p. 3). Similarly, Moulden also fails to teach or

suggest, simultaneously applying the edited checksuite to a first machine that includes the first operating system and a second machine that includes the second operating system. In contrast, claim 1 has been amended to recite, “simultaneously applying the edited checksuite to a first machine that includes the first operating system and a second machine that includes the second operating system.”

Eden teaches a testing platform that includes a test execution engine that operates in conjunction with test routines. (Eden, par. [0013]). In Eden, testing functions are performed based on commands received via a user interface defined in a mode object. (Eden, par. [0017]). The testing platform of Eden is not capable of receiving any commands from a web browser. Accordingly, Eden fails to teach or suggest the claim 1 limitations of “selecting a checksuite for editing based on commands received from a web browser,” and “editing the checksuite based on commands received from the web browser,” that are missing from Moulden.

Eden teaches that a test suite can be developed to operate on a first operating system, and then ported/adapted to operate on a second operating system. (Eden, pars. [0004], [0041]). Once the test suite of Eden has been ported, the ported version of the test suite cannot operate on the first operating system. Therefore, a single test suite application of Eden can operate on a first operating system or on a second operating system, but not on both. Accordingly, Eden fails to teach or suggest the claim 1 limitation of “simultaneously applying the edited checksuite to a first machine that includes the first operating system and a second machine that includes the second operating system,” that is missing from Moulden.

Johnson teaches a test engine that can test a device driver if the device driver is configured for one of multiple different operating systems. (Johnson, Abstract). However, Johnson fails to teach or suggest any particular interfaces for the test engine. Nor does Johnson teach that the test engine receives any commands from a web browser. Accordingly, Johnson fails to teach or suggest the claim 1 limitations of “selecting a checksuite for editing based on

commands received from a web browser,” and “editing the checksuite based on commands received from the web browser,” that are missing from Moulden and Eden.

As mentioned above, the test engine of Johnson can test a device driver if the device driver is configured for one of multiple different operating systems. However, Johnson teaches that the test engine is run on a single operating system/platform at a time. (Johnson, Fig. 1, col. 3, line 5 – col. 6, line 6). For example, Johnson indicates that the the test engine may operate on a first platform, a second platform, or a third platform in Fig. 2. (Johnson, Fig. 2, col. 4, lines 7-22). Johnson does not teach or suggest “simultaneously applying the edited checksuite to a first machine that includes the first operating system and a second machine that includes the second operating system.” Accordingly, Johnson fails to teach or suggest the features of claim 1 that are missing from Moulden and Eden.

For the above reasons, Applicants respectfully submit that claim 1 and its dependent claims are patentable over any combination of Moulden, Eden and Johnson. Accordingly, Applicants request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Claim 17 includes the language, “ selecting a checksuite for editing based on commands received from a web browser,” “editing the checksuite based on commands received from the web browser,” and “ simultaneously applying the edited checksuite to a first machine that includes the first operating system and a second machine that includes the second operating system.” Claim 33 includes the language, “receiving a request to select a checksuite for editing from a web browser,” “editing the checksuite based on commands received from the web browser,” and “applying the edited checksuite to a first machine that includes the first operating system and a second machine that includes the second operating system.” Claim 57 includes the language, “to select a checksuite for editing based on commands received from a web browser,” “to edit the checksuite based on commands received from the web browser,” and “to simultaneously apply the edited checksuite to a first machine that includes the first operating

system and a second machine that includes the second operating system.” As noted above, none of Moulden, Eden or Johnson, alone or in combination, teach or suggest such limitations.

Accordingly, Applicants respectfully assert that the present invention as claimed in claims 1, 17, 33 and 57, and their corresponding dependent claims, is patentable over the cited references.

Claims 33-40 and 61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moulden, in view of Eden, in view of Johnson, and further in view of Singh, (U.S. Publication No. 2003/0037289 A1). As discussed above, none of Moulden, Eden or Johnson, alone or in combination, teach or suggest all of the features of claims 33 or 57. Singh teaches a fault tolerance software system that can detect computing system failures. (Singh, pars. [0007]-[0008]). However, the fault tolerance software system of Singh cannot select a checksuite for editing based on commands received from a web browser or edit the checksuite based on commands received from the web browser. Nor can the fault tolerance system of Singh simultaneously apply the edited checksuite to a first machine that includes a first operating system and a second machine that includes a second operating system. Accordingly, Singh fails to teach or suggest the features of claims 33 and 57, and their corresponding dependent claims, that are missing from the combination of Moulden, Eden and Johnson. None of Moulden, Eden, Johnson or Singh, alone or in combination, teaches or suggests all of the features of independent claims 33 and 57, or their corresponding dependent claims. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

## **Conclusion**

Applicants respectfully request the withdrawal of the rejections, and submits that pending claims 1-40 and 57-61 are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

## **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 022666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

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